

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 38 OF 2024

Karan Nana @ Nanasaheb Shinde

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Rohini Wagh a/w. Manoj Bachate for Applicant.

Ms. Sharmila S. Kaushik, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 9 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 699 of 2023 registered at Akkalkot Police Station, Solapur Rural, on 08.12.2023, under sections 384, 427, 506 and 188 r/w. 34 of the Indian Penal Code.

2. Heard Ms. Rohini Wagh, learned counsel for the applicant and Ms. Sharmila Kaushik, learned APP for the State.

3. The F.I.R. is lodged by one Adarsh Patil who was a contractor. The informant was given contract under a Government scheme known as Jal Jeevan Mission. He was given the contract by

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the Zilla Parishad, Solapur for providing pipeline for drinking water. On 14.06.2023, he went to the spot at village Chincholi near Akkalkot to inspect the spot. The applicant was the Sarpanch of that village. He came there and told the informant that he was opposing that work and he started obstructing the informant's work. It is mentioned in the F.I.R. that the applicant demanded 20% commission for permitting the work to progress further. It is mentioned in the F.I.R. that, till 07.12.2023 the applicant was obstructing his work and was demanding the money. The informant's workers had dug the spot creating a pit of 18ft x 18ft x 6ft. On 07.12.2023, the applicant with the help of three others filled it again and obstructed smooth progress of the work. On this basis the F.I.R. is lodged. It is his case that, this act of the applicant caused loss of Rs.20000/- to him.

4. Learned counsel for the applicant submitted that the applicant was of the firm opinion that the said work was not in the interest of the villagers. The water which was to be used in that scheme was not fit for consumption. He had lodged his protest by giving applications to the Tahsildar, as well as, to the Chief

Executive Officer of Solapur Zilla Parishad. Learned counsel submitted that the applicant had acted in the interest of the villagers and there was no personal interest involved. The allegations of demand of money were false.

5. Learned APP submitted that the informant was carrying out the work regarding the scheme sanctioned by the Government and the applicant had no business to obstruct that work. The applicant had demanded the money and, therefore, the offence was serious.

6. In response, the learned counsel for the applicant has tendered an affidavit cum undertaking executed by the applicant. It is taken on record and marked 'X' for identification. A copy of the same is given to the learned APP. In the undertaking, the applicant has denied the allegations against him. Without prejudice to his contentions, he has stated that, he would not illegally obstruct the complainant or his associates to conduct, carry or do the tap water connection work under the said scheme in any manner except availing the remedies available under law.

7. Considering this undertaking, the custodial interrogation of the applicant is not necessary. If there is breach of this undertaking, the prosecuting agency can take steps by making an application for cancellation of the relief granted to the applicant vide this order. Considering this situation, the applicant can be protected U/s.438 of the Cr.p.c.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No. 699 of 2023 registered at Akkalkot Police Station, Solapur Rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station from 22/01/2024 to 24/01/2024 between 1.00p.m. to 4.00p.m. and shall cooperate with the investigation. In addition, the applicant shall attend the concerned police station as and when called and shall cooperate

with the investigation.

- iii) The prosecuting agency is at liberty to make an application for cancellation of this order if there is breach of undertaking given by the applicant.
- iv) With this observation, the Application is disposed of.

(SARANG V. KOTWAL, J.)